



General Assembly

Substitute Bill No. 6586

January Session, 2009

* _____HB06586PD____031709_____*

**AN ACT CONCERNING EXPEDITED ECONOMIC DEVELOPMENT
PERMIT APPLICATION TEAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
2 section:

3 (1) "Jobs" means permanent, full-time equivalent positions, not
4 including construction jobs;

5 (2) "Commissioner" means the Commissioner of Economic and
6 Community Development;

7 (3) "Permit applications" means applications for state permits and
8 licenses, and at the option of a participating municipality, local
9 development permits;

10 (4) "Regional planning organization" means a regional council of
11 governments organized under the provisions of sections 4-124i to 4-
12 124p, inclusive, of the general statutes, a regional council of elected
13 officials organized under the provisions of sections 4-124c to 4-124h,
14 inclusive, of the general statutes or a regional planning agency
15 organized under the provisions of chapter 127 of the general statutes;
16 and

17 (5) "Team" means an expedited action review team established

18 under this section.

19 (b) (1) The Commissioner of Economic and Community
20 Development shall establish teams for the purpose of expediting
21 review of permit applications for projects that (A) would create at least
22 one hundred jobs, (B) would create fifty jobs, if such project is to be
23 located in an enterprise zone designated pursuant to section 32-70 of
24 the general statutes, or (C) would be located in brownfields, as defined
25 in section 32-9cc of the general statutes. Projects ineligible for review
26 under this section are projects the primary purpose of which are to (i)
27 effect the final disposal of solid waste, biomedical waste or hazardous
28 waste in this state; (ii) produce electrical power, unless the production
29 of electricity is incidental and not the primary function of the project;
30 (iii) extract natural resources; (iv) produce oil; and (v) construct,
31 maintain, or operate an oil, petroleum, natural gas or sewage pipeline.

32 (2) Notwithstanding the provisions of subdivision (1) of this
33 subsection, a municipality, by resolution adopted by the legislative
34 body, may request the commissioner to establish an expedited action
35 review team for a project that would create a minimum of ten jobs. The
36 commissioner may establish a team upon consideration of economic
37 impact factors of the project that include, but are not limited to, the
38 following: (A) The proposed wage and skill levels relative to those
39 existing in the area in which the project may be located, (B) the
40 project's potential to diversify and strengthen the area's economy, (C)
41 the amount of capital investment, and (D) the number of jobs that will
42 be made available for persons served by the employment services
43 program established pursuant to section 17b-688c of the general
44 statutes.

45 (c) Each team shall be established by a memorandum of
46 understanding between (1) the Departments of Economic and
47 Community Development, Environmental Protection and
48 Transportation, (2) appropriate regional planning organizations, and
49 (3) voluntarily participating municipalities and other political
50 subdivisions. The memorandum of understanding may include

51 provisions for participation by federal agencies. The Commissioner of
52 Economic and Community Development, in cooperation with
53 municipalities and the Departments of Environmental Protection and
54 Transportation, shall develop a standard form for each memorandum
55 of understanding. A municipality shall conduct a public workshop to
56 review and explain to the public the expedited permitting process and
57 the terms and conditions of the standard form memorandum of
58 understanding.

59 (d) A municipality shall hold a public hearing prior to entering into
60 a memorandum of understanding for a qualified project.
61 Notwithstanding any other provision of law, and at the option of the
62 municipality, the workshop provided for in subsection (c) of this
63 section may be conducted on the same date and at the same place as
64 the public hearing held under this subsection. The memorandum of
65 understanding shall include a provision identifying necessary
66 municipal procedures and time limits that will be modified to allow
67 for the municipality to approve the project in not more than ninety
68 days after receipt of a completed permit application. The
69 memorandum of understanding shall state that the expedited
70 permitting and review process does not modify, qualify or otherwise
71 alter existing municipal nonprocedural standards for applications,
72 unless expressly provided.

73 (e) Each memorandum of understanding shall include a process for
74 final agency action on permit applications not more than ninety days
75 after receipt of a completed permit application, unless the applicant
76 agrees to a longer time period or the commissioner determines that
77 unforeseen or uncontrollable circumstances preclude final agency
78 action within such time frame. Permit applications subject to federally
79 delegated or approved permitting programs that would prohibit or be
80 inconsistent with the time frame established in this subsection are
81 exempt from the provisions of this subsection but shall be processed
82 by the agency operating the federally delegated or approved
83 permitting program as expeditiously as possible.

84 (f) The memorandum of understanding may provide for the waiver
85 or modification of procedural rules prescribing forms, fees, procedures
86 or time limits for the review or processing of permit applications under
87 the jurisdiction of those agencies that are party to the memorandum of
88 understanding. Notwithstanding any other provision of law, a
89 memorandum of understanding shall, to the extent feasible, provide
90 for proceedings and hearings otherwise held separately by the parties
91 to the memorandum of understanding to be combined into one
92 proceeding or held jointly and at one location. Such waivers or
93 modifications shall not be available for permit applications governed
94 by federally delegated or approved permitting programs, the
95 requirements of which would prohibit, or be inconsistent with, such
96 waivers or modifications.

97 (g) The memorandum of understanding shall include guidelines to
98 be used in working with state and municipal permitting authorities.
99 Guidelines may include, but are not limited to, the following: (1) A
100 central contact point for filing permit applications and local
101 comprehensive plan amendments and for obtaining information on
102 permit requirements; (2) identification of the individual or individuals
103 within each respective agency who shall be responsible for processing
104 the expedited permit application or local comprehensive plan
105 amendment for that agency; (3) a mandatory preapplication review
106 process to reduce permitting conflicts by providing guidance to
107 applicants on (A) the permits needed from each agency, (B)
108 specifications for site planning and development, site suitability and
109 limitations, facility design, and (C) steps the applicant can take to
110 ensure expeditious permit application and local comprehensive plan
111 amendment review; (4) preparation of a single, coordinated project
112 description form and checklist and an agreement by state and regional
113 agencies to reduce the necessity that an applicant provide duplicate
114 information to multiple agencies; and (5) additional incentives for an
115 applicant who proposes a project that provides a net ecosystem
116 benefit.

117 (h) The first team meeting to discuss a project shall be held not more

118 than fourteen days after the commissioner's determination that the
 119 project is eligible for expedited review. Subsequent interagency
 120 meetings may be scheduled to accommodate the needs of participating
 121 local governments that are unable to meet public notice requirements
 122 for executing a memorandum of understanding as provided in this
 123 section, except that such meetings shall not be more than forty-five
 124 days after the commissioner determines that the project is eligible for
 125 expedited review.

126 (i) The applicant, the permit action team and participating
 127 municipalities may agree to incorporate into a single document the
 128 permits, licenses and approvals that are obtained through the
 129 expedited permit process.

130 (j) The expedited permitting process established pursuant to this
 131 section shall not modify, qualify or otherwise alter existing agency
 132 nonprocedural standards for permit applications, unless expressly
 133 authorized by law. If it is determined that the applicant is not eligible
 134 to use this process, the applicant may apply for permitting of the
 135 project through the normal permitting processes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

Statement of Legislative Commissioners:

Section 1(g)(3) was rewritten for clarity, provisions regarding the first team meeting were designated as Subsec. (h), and other changes were made for accuracy and consistency with the intent of the bill.

PD *Joint Favorable Subst.-LCO*